

STATE OF INDIANA ) IN THE PORTER \_\_\_\_\_ COURT  
 ) SS:  
COUNTY OF PORTER ) SITTING AT VALPARAISO, INDIANA

TERRY LARSON and JAYNE LARSON,  
  
Plaintiffs,  
  
v.  
  
DAVIDSON TRUCKING, INC.,  
and GARY EIDT, individually and as an  
employee, agent and/or servant of  
DAVIDSON TRUCKING, INC.,  
  
Defendants.

## COMPLAINT

Plaintiffs, TERRY LARSON and JAYNE LARSON (hereinafter “Terry” and “Jayne”), for their Complaint against DAVIDSON TRUCKING, INC. (hereinafter “DTI”) and GARY EIDT, individually and as an employee, agent and/or servant of DAVIDSON TRUCKING, INC., (hereinafter “Eidt”), allege and state as follows:

1. At all times relevant herein, DTI was and is an interstate motor carrier operating within the County of Porter, State of Indiana.

2. At all times relevant herein, Eidt was employed as a professional truck driver working for the pecuniary benefit of DTI.

3. On April 30, 2020, Eidt was a professional truck driver operating a 1997 Freightliner tractor with a Stoughton trailer (hereinafter, “tractor-trailer rig”) eastbound on US 30 near its intersection with Murvihill Road in Porter County, Indiana.

4. On April 30, 2020, Eidt was operating the tractor-trailer rig under DTI's motor carrier operating authority and displaying its logo and U.S. DOT number 503129.

5. On April 30, 2020, Terry's 2017 GMC Acadia was traveling southbound on Murvihill Road, at its intersection with US 30, in Valparaiso, Porter County, Indiana.

6. At all times relevant herein, there was in full force and effect in the State of Indiana, Ind. Code § 8-2.1-24-18, a statute incorporating by reference, *inter alia*, Parts 390, 391, 392, 393, 395, and 396 of the Federal Motor Carrier Safety Regulations (hereinafter "FMCSRs").

7. On and before April 30, 2020, DTI and Eidt were subject to the FMCSRs.

8. On and before April 30, 2020, DTI had a duty to act reasonably in hiring, entrusting, instructing, supervising, and retaining Eidt, to transport cargo in interstate commerce and to adopt and enforce policies, procedures, and rules to ensure that drivers and vehicles operating under its authority were reasonably safe.

9. On and before April 30, 2020, Eidt had a duty to follow state traffic laws and to operate the tractor-trailer rig in a reasonable and safe manner as a professional truck driver should under the circumstances.

10. On and before April 30, 2020, DTI and Eidt breached the foregoing duties and were negligent, grossly negligent, willful, wanton, and/or reckless.

11. On April 30, 2020, as a direct and proximate result of the negligence, gross negligence, willfulness, wantonness, and/or recklessness of Defendants, and each of them, they disregarded the traffic signal red stop light, and drove the tractor-trailer rig into the intersection, directly into the path of Terry's vehicle, and crashed into Terry's GMC Acadia as he safely traveled in his lawful lane of travel.

12. At all times relevant herein, DTI exerted authority over Eidt's operation of the tractor-trailer rig, the means and methods employed by Eidt in his work, and provided him with the equipment, including, but not limited to, the tractor-trailer, and motor carrier authority necessary to accomplish his assigned tasks. As Eidt's employer and/or principal, DTI is vicariously liable for his negligence and conduct.

13. As a direct and proximate result of the foregoing collision, Terry sustained permanent and severe personal injuries; incurred and will incur ambulance, hospital, diagnostic, therapeutic, pharmaceutical, and other medical expenses; suffered and will suffer physical pain, mental suffering, terror, fright, humiliation, loss of enjoyment of life; disability; disfigurement; loss of time; impairment of earnings capacity; damage to his personal property; loss of use and storage fees; and sustained other injuries and damages of a personal and pecuniary nature.

14. At all times relevant herein, Terry and Jayne were and are husband and wife.

15. As a direct and proximate result of Defendants' negligence, gross negligence, recklessness and/or willful and wanton conduct, and Terry's proximately resulting injuries, Jayne has been deprived of a portion of Terry's love, companionship, society, consortium, and/or services that he had ably provided prior to April 30, 2020.

WHEREFORE, TERRY LARSON and JAYNE LARSON respectfully seek the entry of judgment in their favor and against DAVIDSON TRUCKING, INC. and GARY EIDT, and each of them, for compensatory damages in an amount to be determined herein, for punitive damages, prejudgment interest, for the costs of this action, and for any and all other relief that the Court may deem proper under the circumstances.

Respectfully submitted,

**KENNETH J. ALLEN LAW GROUP, LLC**  
Attorneys for Plaintiffs

/s/Bryan L. Bradley

Kenneth J. Allen (3857-45)  
Bryan L. Bradley (17877-46)

**JURY DEMAND**

Plaintiffs demand trial by jury on their Complaint.

Respectfully submitted,

**KENNETH J. ALLEN LAW GROUP, LLC**  
Attorneys for Plaintiffs

/s/Bryan L. Bradley

By:

Kenneth J. Allen (3857-45)  
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INJURY ATTORNEYS

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*Reply to Office Indicated*

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